

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act**

In accordance with Departmental policy, 28 C.F.R. 50.7, and Section 122 of CERCLA, 42 U.S.C. § 9622, notice is hereby given that on October 8, 1998, a proposed Consent Decree in *United States v. Archer-Daniels-Midland Company, et al.*, Civ. Action No. 198CV 2302 was lodged with the United States District Court for the Northern District of Ohio. This Consent Decree represents a settlement of claims of the United States against: (1) Archer-Daniels-Midland Company; (2) Ashland Chemical Company; (3) Baltimore-Ennis Land Company, Inc. (formerly known as Gibson-Homans); (4) Brookside Auto Parts; (5) Lincoln Electric Company; (6) Technical Products, Inc.; and (7) Warner G. Smith (collectively "Settling Defendants"), for reimbursement of response costs in connection with the Ohio Drum Reconditioning Superfund Site ("Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 96-01 *et seq.*

Under this settlement with the United States, Settling Defendants will pay \$100,000, plus interest, in reimbursement of response costs incurred by the United States at the Site. In addition, Settling Defendants will finance and perform the removal action at a portion of the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to the *United States v. Archer-Daniels-Midland Company, et al.*, D.J. Ref. 90-11-2-1300.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Ave., East Cleveland, Ohio 44114, at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a

copy of the Consent Decree, please enclose a check payable to the Consent Decree Library in the amount of \$11.75 (25 cents per page reproduction cost) for a copy of the Consent Decree without attachments or \$22.75 for a copy of the Consent Decree with attachments.

**Joel Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 98-29708 Filed 11-5-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under Clean Water Act**

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States v. Coal Valley Mining, Inc.*, C.A. No. 5:97-0763, was lodged on October 22, 1998, with the United States District Court for the Southern District of West Virginia. The United States' Complaint alleges that Coal Valley operated the old mine refuse area site, near Whitby, Raleigh County, West Virginia ("Site"). Further, the Complaint alleges that Coal Valley in operation of the Site violated the clean Water Act and its National Pollutant Discharge Elimination System ("NPDES") Permit by discharging pollutants into the navigable waters of the United States. The consent decree resolves the United States' claims for civil penalties and injunctive relief, pursuant to the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.* Under the consent decree, the defendant must maintain compliance with its NPDES Permit and will pay a civil penalty of \$20,000 to the United States within thirty days after entry of the consent decree by the Court. Upon the completion of reclamation activities at the Site, Coal Valley is required to pay an additional cash penalty if bond funds posted with the State of West Virginia are released to Coal Valley.

The United States filed a related case, Civil Action Number 5:97-0762, against the Ridgeway Development Corporation, which operated a mine site, and Coal Valley sub-leased the mineral and surface rights of such mine to Ridgeway. Ridgeway violated the Clean Water Act and its NPDES Permit in operating the mine, and Coal Valley was named as a defendant in the Ridgeway case. The consent decree resolves the United States' claims against Coal Valley for civil penalties and injunctive relief in this related case.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication,

comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Coal Valley Mining, Inc.*, DOJ Reference No. 90-5-2-1-2093.

The proposed consent decree may be examined at the office of the United States Attorney, room 4000, 300 Virginia Street-East, Charleston, West Virginia 25301; the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029; and the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$6.75 (.25 cents per page production costs), payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy, notice is hereby given that a proposed consent decree in *United States v. Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang*, Civil Action No. 1:94CV57, was lodged on October 27, 1998 with the United States District Court for the Eastern District of Texas, Beaumont Division.

In the First Amended Complaint, the United States alleges that Atlantic Richfield Company ("ARCO") and ARCO Chemical Company ("ACC") are successors to and assumed liability for persons who by contract, agreement, or otherwise arranged for disposal or treatment, of hazardous substances at the Turtle Bayou Superfund Site (also known as the Petro-Chemical Systems, Inc. Site) ("Site"), located in Liberty County, Texas. The United States alleges that ARCO and ACC are liable under Section 107 of the Comprehensive Environmental Response, Compensation and Liability